IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 28578 of 2004(B)

PETITIONERS:

1. C.V.POULOSE, S/O.SRI.ABRAHAM VARGHESE, AGED 37 YEARS, WORKING AS OPERATOR, PANDAPPILLY PUMP HOUSE, P.H.SECTION, KWA, KOOTHATTUKULAM, RESIDING AT CHELAPUZHAYIL HOUSE, PALAKKUZHA P.O., KOOTHATTUKULAM.

2. SEBASTIAN VARGHESE, S/O.SRI.VARGHESE, AGED 39 YEARS, WORKING AS OPERATOR, THRIKKALATHOOR PUMP HOUSE, PH SECTION, KWA, MUVATTUPUZHA, RESIDING AT ANNAIKANDATHIL HOUSE, MULAKKULAM NORTH P.O., PIRAVOM.

3. SAHAJAN.M.K., S/O.KUMARAN, AGED 38 YEARS, WORKER, ARAKKUZHA TREATMENT PLANT, KWA, MUVATTUPUZHA RESIDING AT MUNDEKUDIYIL HOUSE, PERUMBALLOOR PO, MUVATTUPUZHA.

4. BABY JOSEPH, S/O.SRI.M.J.JOSEPH, AGED 40 YEARS, WORKING AS OPERATOR, ARAKKUZHA TREATMENT PLANT, KWA, MUVATTUPUZHA, RESIDING AT MADATHUMKUDIYIL HOUSE, ARAKKUZHA PO, MUVATTUPUZHA.

5. C.B.ASOKAN, S/O.C.S.BALAKRISHNAN NAIR, AGED 42 YEARS, WORKING AS WORKER, ARAKKUZHA RAW WATER PUMP HOUSE, RESIDING AT CHOORAKATTIL HOUSE, PERUMBALOOR P.O., MUVATTUPUZHA.

6. REJI.A.P., S/O.SRI.A.V.POULOSE, AGED 34 YEARS, WORKING AS OPERATOR, AROOR PUMP HOUSE, PH SECTION, KWA, MUVATTUPUZHA, RESIDING AT AKKARAVAVUMKAL HOUSE, EAST MARADY PO, MUVATTUPUZHA.

7. SUDHAN.K.K., S/O.SRI.KRISHNANKUTTY, AGED 40 YEARS, WORKING AS WORKER, TREATMENT PLANT, VALAKAM, KWA, MUVATTUPUZHA, RESIDING AT KOORAPPILLIL HOUSE, KIZHAKKAMBALAM, PO PAYYEKKUNNAM.

8. JOLLYMON.C.Y., S/O.C.I.YAKOOB,
AGED 32 YEARS, WORKING AS OPERATOR,
TREATMENT PLANT, VALAKAM, KWA, MUVATTUPUZHA,
RESIDING AT CHUNDAYIL HOUSE, MEKKDAMPU PO,
MUVATTUPUZHA.

9. JOHNY VARKEY, S/O.SRI.A.V.VARKEY,
AGED 48 YEARS, WORKING AS OPERATOR,
AROOR PUMP HOUSE, KWA, MUVATTUPUZHA, RESIDING
AT ERTHADATHIL HOUSE, MEENKUNNAM PO,
MUVATTUPUZHA.

10. GEORGEKUTTY.P.J.,
S/O.SRI.JOHN, AGED 29 YEARS, WORKING AS
WORKER TREATMENT PLANT, KAKKAD, KWA PIRAVOM,
RESIDING AT PERIAPPURATH HOUSE,
MULAKKULAM PO, PIRAVOM.

11. JOSE GEORGE, S/O.E.I.VARKEY,
AGED 27 YEARS, WORKING AS OPERATOR
MARADY PUMP HOUSE, KWA, MUVATTUPUZHA,
RESIDING AT EDAMANPOTTAKKAL HOUSE, EAST MARADY,
PO. MUVATTUPUZHA.

12. ARUN THANKACHAN, S/O.THANKACHAN
THOMAS, AGED 28 YEARS, WORKING AS OPERATOR,
NECHOOR PUMP HOUSE, KWA, MULAMTHURUTY,
RESIDING AT ARIKUPURATH HOUSE,
MANEED P.O., PIRAVOM.

13. ANISH.M.GOVINDAN, S/O.M.GOVINDAN,
AGED 30 YEARS, WORKING AS OPERATOR,
NECHOOR PUMP HOUSE, KWA, MULAMTHURUTY RESIDING
AT KUNNATHUMATTATHIL HOUSE, NECHOOR P.O.,
MULAMTHURUTHY.

14. SAJIMON.T.K., S/O.T.C.KUNJUMON,
AGED 30 YEARS, WORKING AS OPERATOR,
MULAMTHURUTHY PUMP HOUSE, KWA, MULAMTHURUTHY,
RESIDING AT THURAYEL HOUSE, MANEED PO.

15. TOM GEORGE, S/O.MATHAI VARKEY,
AGED 35 YEARS, WORKING AS OPERATOR,
KOOTHATTUKULAM PUMP HOUSE, KWA,
KOOTHATTUKULAM RESIDING AT PALIATHIL HOUSE,
ARAKUZHA PO, MUVATTUPUZHA.

16. JOY.A.K., S/O.SRI.KURIAN MATHEW,
AGED 45 YEARS, WORKING AS SHIFT ASSISTANT,
KOOTHATTUKULAM TREATMENT PLANT, KWA,
KOOTHATTUKULAM, RESIDING AT ANIKUZHIL HOUSE,
PERUMBALLOOR PO, MUVATTUPUZHA.

17. SIBI XAVIER, S/O.K.P.XAVIER,
AGED 28 YEARS, WORKING AS OPERATOR,
MANGALLOOR PUMP HOUSE, KWA, MUVATTUPUZHA,
RESIDING AT KATTUKUDIYIL HOUSE,
ADUMPARAMBU PO, MUVATTUPUZHA.

18. BINOY PAUL, S/O.SRI.V.PAUL,
AGED 25 YEARS, WORKING AS OPERATOR,
KADUKKACITY PUMP HOUSE, KWA, MUVATTUPUZHA,
RESIDING AT VIRIPPAMATTATHIL HOUSE,
PERUMBALOOR PO, MUVATTUPUZHA.

19. A.K.JOY, S/O.KURIAKOSE,
AGED 45 YEARS, WORKING AS SHIFT ASSISTANT,
P.H.SECTION, KWA, VAZHAKKULAM, RESIDING AT
EDATHANIKKATTU HOUSE, PUTHUPADY PO,
MUVATTUPUZHA.

20. C.V.JACOB, S/O.C.P.VARKEY,
AGED 43 YEARS, WORKING AS OPERATOR,
CHENNARTHODU, KWA, MUVATTUPUZHA, RESIDING AT
CHENGANAMADATHIL HOUSE, PAIPRA,
PEZHAKKAPPILLY PO, MUVATTUPUZHA.

21. BIJU.K.A., S/O.K.D.AUGUSTHY,
AGED 35 YEARS, WORKING AS OPERATOR,
KWA, MUVATTUPUZHA, RESIDING AT KATTUKANDATHIL
HOUSE, PERUMBALOOR, MUVATTUPUZHA.

22. M.M.RAJI, S/O.SRI.M.C.MATHEW,
AGED 29 YEARS, WORKING AS OPERATOR,
AYAVANA PLANT, KWA VAZHAKULAM RESIDING AT
MOLEL HOUSE, AYAVANA PO, MUVATTUPUZHA.

23. CLEETUS M.F., S/O.M.V.FRANCIS,
AGED 31 YEARS, WORKING AS OPERATOR,
AYAVANA PUMP HOUSE, KWA, VAZHAKKULAM,
RESIDING AT MEKKARA HOUSE, ENANALLOOR PO,
KALAMBOOR, MUVATTUPUZHA.

24. SHAJI JACOB, S/O.SRI.JACOB,
AGED 33 YEARS, WORKING AS WORKER TREATMENT PLANT,
AYAVANA, KWA, VAZHAKULAM, RESIDING AT PUNNAKI
PADAVIL HOUSE, KALOOR PO, KALLOORKADU.

25. T.K.THANKACHAN, S/O.SRI.T.D.KURIAKO ,
AGED 34 YEARS, WORKING AS OPERATOR,
MARADY PUMP HOUSE, KWA, MUVATTUPUZHA,
RESIDING AT THOTTIPARANNOLIL HOUSE,
ARAKKUZHA PO, MUVATTUPUZHA.

26. SANTHOSH.K.S., S/O.V.M.SUKUMARAN,
AGED 28 YEARS, WORKING AS WORKER,
TREATMENT PLANT, KWA, MUVATTUPUZHA,
RESIDING AT KAVUMMATHADATHIL HOUSE,
UDUMBANOOR PO, THODUPUZHA.

27. JINCE GEORGE, S/O.SRI.A.J.GEORGE,
AGED 26 YEARS, WORKING AS OPERATOR,
KADUKKACITY PUMP HOUSE, KWA, MUVATTUPUZHA,
RESIDING AT AMBATTU HOUSE,
PERUMBALLOR PO, MUVATTUPUZHA.

28. NISHAD.M.V., S/O.SRI.M.VASU,
AGED 25 YEARS, WORKING AS OPERATOR,
ELLIKKUNNU PUMP HOUSE, KWA, MUVATTUPUZHA,
RESIDING AT MULLASSERRIL HOUSE,
PERUMBALOOR PO, MUVATTUPUZHA.

29. MENTO VARGHESE, S/O.SRI.T.J.VARGHESE,
AGED 25 YEARS, WORKING AS SHIFT ASSISTANT,
TREATMENT PLANT, ARAKKUZHA, KWA, MUVATTUPUZHA,
RESIDING AT THURUTHEPARANNOLIL HOUSE,
ARAKKUZHA PO, MUVATTUPUZHA.

30. RENNY ANTONY, S/O.SRI.ANTONY,
39 YEARS, WORKING AS SHIFT ASSISTANT,
TREATMENT PLANT, KOOTHATTUKULAM RESIDING AT
KURISUMMOTTIL HOUSE, PANDAPPILLY PO,
MUVATTUPUZHA.

31. BIJU MATHEW, S/O.A.K.MATHEW,
AGED 29 YEARS, WORKING AS SHIFT ASSISTANT
MAGALLOOR WATER TREATMENT PLANT,
KWA, MUVATTUPUZHA, RESIDING AT ANIKUZHIYIL HOUSE,
PERUMBALOOR PO, MUVATTUPUZHA.

32. ABYMON.N.K., S/O.SRI.N.G.KUTTAN,
AGED 28 YEARS, WORKING AS OPERATOR,
AROOR PUMP HOUSE, KWA, MUVATTUPUZHA, RESIDING
AT KANIYANKUDIYIL HOUSE, MEMADANGU PO,
MUVATTUPUZHA.

33. BIJU M.K., S/O.KUTTAPPAN ANANDHAN,
AGED 33 YEARS, WORKING AS WORKER,
KATTKALOOR TREATMENT PLANT, KWA,
VAZHAKULAM, RESIDING AT MUNDAPLAKKEL HOUSE,
KALLOOR PO, KALLOORKADU.

34. RENISH THOMAS, S/O.SRI.THOMAS KURIAN,
AGED 28 YEARS, WORKING AS SHIFT ASSISTANT,
TREATMENT PLANT, KALLOOR, RESIDING AT
KANNATHUKUZHIYIL HOUSE, KALLOORKADU P.O.,
MUVATTUPUZHA.

35. MATHEWS V.J., S/O.JOSEPH.V.M.,
AGED 40 YEARS, WORKING AS WORKER TREATMENT PLANT,
KALOOR, KWA, VAZHAKKULAM RESIDING AT
VAZHATTUKALAPURAYIL HOUSE, KALLOORKADU P.O.,
MUVATTUPUZHA.

36. ANOOP MATHEW, S/O.SRI.K.S.MATHAI,
AGED 25 YEARS, WORKING AS OPERATOR,
TREATMENT PLANT, VALAKAM, KWA, MUVATTUPUZHA,
RESIDING AT KUNNATHU HOUSE, KUNNAKKAL PO,
VALAKOM PO.

37. BIPIN JOLLY, S/O.JOLLY JOSEPH,
AGED 22 YEARS, WORKING AS OPERATOR,
KWA, VAZHAKULAM, RESIDING AT NJALAMKUNNEL,
AYAMANA PO, MUVATTUPUZHA.

38. SHINE PULICKAL, S/O.P.T.ABRAHAM,
AGED 23 YEARS, WORKING AS OPERATOR,
KWA, VAZHAKULAM, RESIDING AT PULICKAKKUNNEL
HOUSE, AYAMANA PO, MUVATTUPUZHA.

39. CLEATUS MATHEW, S/O.SRI.MATHEW.E.V.,
WORKING AS OPERATOR, P.H.SECTION,
KWA, VAZHAKULAM, ELAVUMKAL HOUSE,
NAGAPUZHA PO, KALLOORKADU.

40. SIJU SEBASTIAN, S/O.SRI.T.J.SEBASTIAN,
AGED 26 YEARS, OPERATOR,
PH SECTION, KWA, VAZHAKULAM, RESIDING AT
THANNIKKAL HOUSE, KAVANA, VAZHAKKULAM PO.

41. BIPIN MATHEW, S/O.SRI.MATHEW,
WORKING AS OPERATOR, PH SECTION,
KWA, VAZHAKKULAM, RESIDING AT KARIMPLACKAL HOUSE,
KALLORKADU PO.

42. BHASKARAN.V.G., S/O.GOVINDAN,
AGED 37 YEARS, WORKING AS WORKER,
PH SECTION, KWA, KOOTHATTUKULAM,
RESIDING AT KUNJIRAKKATTU HOUSE,
PERUMBELLOOR PO, MUVATTUPUZHA.

43. REJI SEBASTIAN, S/O.SRI.T.J.SEBASTIAN,
AGED 24 YEARS, WORKING AS OPERATOR,
PH SECTION, KWA, VAZHAKULAM, RESIDING
AT THANNIKKAL HOUSE, KAVANA,
VAZHAKKULAM P.O

BY ADV. SRI.ANTONY MUKKATH

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. PRINCIPAL SECRETARY,
WATER RESOURCES DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. KERALA WATER AUTHORITY, REPRESENTED
BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

4. ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, MUVATTUPUZHA.

5. ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY,
KOOTHATTUKULAM.

6. ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY,
PIRAVOM.

7. MANUEL GEORGE, KWA CONTRACTOR,
PALIATHIL HOUSE, ARAKKUZHA P.O.,
MUVATTUPUZHA.

8. REGI.P.K., GOVERNMENT CONTRACTOR,
KERALA WATER AUTHORITY, MUVATTUPUZHA CIRCLE,
PONGASSERRIL HOUSE, MUVATTUPUZHA.

9. JOSE JOSEPH, KWA CONTRACTOR,
PALAPATHU HOUSE, AVOLY PO,
ANICADU.

10. M.V.MATHEW, KWA CONTRACTOR,
MUNDAKKAL, PERUMBALOOR P.O.,
MOOVATTUPUZHA.

11. K.M.JOSE, KWA CONTRACTOR,
KANICKAL HOUSE, OORMANA P.O.,
RAMAMANGALAM.

BY ADV. SRI.M.V.MATHAI MUTHIRENTHY, SC, KWA
SRI.BABU VARGHESE, SC, KWA
SRI.J.KRISHNA KUMAR, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photocopy of the experience certificate dated 20.7.2004 issued by the 7th respondent to the 1st petitioner.

Ext.P2: Photocopy of the judgment dated 21.12.2001 in W.A.No.105 of 2001 of this Hon'ble Court.

Ext.P3: Photocopy of the Joint representation dated 18.6.2004 submitted by the petitioners to the 3rd respondent.

Ext.P4: True copy of the circular No.KWA/JB/E3-7571/04 dated 16.9.04 of the 3rd respondent.

Ext.P5: Photocopy of the judgment dated 30.4.2004 in W.A.No.2192 of 2002.

// True copy //

P.A. to Judge

KURIAN JOSEPH, J.

- -

W.P.(C)NO.28578 OF 2004

- -

Dated this the 30th day of March 2007

JUDGMENT

Writ petition is filed with the following prayers:

(i)to call for the records leading to Ext.P4 and to quash the same to the extent it proposes to terminate the services of the petitioners by replacing another set of provisional hands by the issuance of a writ of certiorari or other appropriate writ, direction or order;

(ii)to declare that the petitioners are legally entitled to be absorbed as regular Operator/Shift Assistant/Worker in the 3rd respondent Kerala Water Authority with effect from the respective dates of their initial engagement as Operator/Shift Assistant/Worker;

(iii)to issue a writ of mandamus or other appropriate writ, direction or order directing the respondents 1 to 3 to absorb the petitioners as regular Operator/Shift Assitant/Worker with effect from the respective dates of their initial engagement as such with full service benefits;

(iv)to issue a writ of mandamus or other appropriate writ, direction or order directing the respondents 3 to 6 not to terminate the services of the petitioners on the basis of Ext.P4 circular to accommodate another set of provisional hands and to allow the petitioners to continue in their respective posts;

(v)to grant such other reliefs which this Hon'ble Court deems fit, just and proper in the circumstances of the case; and

(vi)to award costs to the petitioners.

2. Placing reliance on the recent decision of the Supreme Court in **Secretary, State of Karnataka and others v. Umadevi and others [2006 (4) SCC p.1]**, it is submitted that the petitioners who have completed more than ten years are entitled to be regularised. Since the matter requires verification and fresh consideration, it is only appropriate that the petitioners approach the Government.

3. Petitioners who claim the benefit of the Supreme Court decision cited above may approach the Government within two months and the matter will be duly considered by the second respondent in the light of the decision cited above and appropriate orders in accordance with law with notice to the petitioners will be passed within another four months. Interim order dated 5.10.2004 will continue till such time.

Accordingly, writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

jes